

OFFICIAL COPY

Fresno, California

February 7, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Jon Ruiz, Assistant City Manager
 Hilda Cantu Montoy, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

ADD ON: SPCA PET OF THE MONTH - ACTING PRESIDENT PEREA

The pet of the month available for adoption, a 2 month old female Chihuahua, was presented.

PROCLAMATION OF AMERICAN HISTORY MONTH - COUNCILMEMBER CALHOUN

Read and presented.

PROCLAMATION OF DIXIELAND JAZZ DAYS - COUNCILMEMBER STERLING

Read and presented with a performance by the Fresno Dixieland Society Youth Jazz Band.

APPROVE MINUTES OF JANUARY 31, 2006:

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of January 31, 2006, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COMMENDATION/THANK YOU TO PATRICK WEIMILLER, OUTGOING INTERIM PUBLIC UTILITIES DIRECTOR, FOR HIS CITY SERVICE - COUNCILMEMBER WESTERLUND

Councilmember Westerlund thanked and commended Mr. Weimiller for all his hard work and professionalism and stated he would be missed. Mr. Weimiller stated working for the city had been a great opportunity for him, thanked Council for their support, and stated his staff and the entire city team were fantastic and commended them.

(1) COMMENDATION TO PATRICK WEIMILLER; (2) COMMENDATION TO PUBLIC WORKS, PLANNING & DEVELOPMENT AND POLICE STAFF FOR THEIR ASSISTANCE/WORK AT DISTRICT 5's MEETING ON FANCHER CREEK; (3) REQUEST CITY MANAGER LOOK INTO MOOSE LODGE INTEREST IN RENTING A BUILDING AT PALM LAKES GOLF COURSE; (4) REQUEST STAFF PUT PRESSURE ON THE CONTRACTOR RESPONSIBLE FOR THE UNFINISHED WILLOW/CHURCH INTERSECTION IMPROVEMENT PROJECT; AND (5) REQUEST CITY MANAGER DIRECT STAFF TO TRIM PALM TREES ON CHURCH AVENUE (TREES PLANTED BY FRESNO COUNTY/AREA ANNEXED INTO THE CITY) - COUNCILMEMBER DAGES

Commendations/requests made.

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(1) COMMENDATION TO PATRICK WEIMILLER; AND (2) REQUEST FOR STATUS REPORT ON THE BUSINESS INCUBATOR PROJECT - COUNCILMEMBER CALHOUN

Commendation and request made.

(1) COMMENDATION TO PATRICK WEIMILLER; (2) FRESNO'S LOW CRIME RATE, CONCERN WITH LACK OF RESPONSE TO NUMEROUS REQUESTS FOR A REPORT ON HOW INFORMATION/STATISTICS WERE COMPILED, AND REQUEST STAFF PROVIDE REPORT IN ONE MONTH; AND (3) SUBMITTAL OF INFORMATION TO PRESIDENT DUNCAN ON CALTRANS' IMPACT FEE AND OTHER CITIES WHO CONTRIBUTE - COUNCILMEMBER BOYAJIAN

Commendation and request made, and information presented.

(1) COMMENDATION TO PATRICK WEIMILLER; (2) THANK YOU TO CITY MANAGER FOR INFORMATION PROVIDED ON AARLA; AND (3) REQUEST STAFF LOOK INTO \$7.00 CITATION RECEIVED BY PATRONS OF DOWNTOWN BUSINESSES FOR PARKING AFTER 5:00 P.M. IN PARKING LOT 7, AND TO THE INOPERABLE ELEVATOR IN THE PARKING LOT 7 GARAGE - COUNCILMEMBER STERLING

Commendation and thank you extended, and request made.

APPROVE AGENDA:

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Councilmember Boyajian pulled Item **1-B** from the Consent Calendar for discussion/action, and Councilmember Westerlund and President Duncan registered "NO" votes on Item **1-J**.

(1-A) ADOPT A MEMORANDUM OF UNDERSTANDING WITH THE FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS - UNIT 15), COVERING THE PERIOD JULY 1, 2005, THROUGH JUNE 30, 2008

(1-C) **RESOLUTION NO. 2006-52** - APPROVING THE SUMMARY VACATION OF PORTIONS OF N. DANTE AND SALINAS AVENUES EAST OF N. CORNELIA AVENUE

(1-D) APPROVE THE ACQUISITION OF A STREET EASEMENT AND A PEDESTRIAN EASEMENT AT THE SOUTHWEST CORNER OF N. CEDAR AND E. SHIELDS AVENUES FROM USA GASOLINE CORPORATION, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY

(1-E) **RESOLUTION NO. 2006-53** - DEDICATING CERTAIN CITY-OWNED PROPERTY ON THE NORTH SIDE OF E. BELMONT AVENUE EAST OF N. SUNNYSIDE FOR PUBLIC UTILITY PURPOSES ASSOCIATED WITH THE DEVELOPMENT OF A YOUTH BASEBALL PARK

(1-F) AWARD A CONTRACT TO BILL MARVIN ELECTRIC, INC. IN THE AMOUNT OF \$57,128 FOR THE INSTALLATION OF LIGHTING AT THE CURRENT RENTAL CAR LOT AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI)

(1-G) CONSIDER THE PROPOSED BELMONT-MARKS NO. 2B REORGANIZATION FOR APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TERRITORY TO THE CITY OF FRESNO

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1. CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-03-44/C-03-158 DATED MARCH 31, 2005

2. RESOLUTION NO. 2006-54 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED BELMONT-MARKS NO. 2B REORGANIZATION

(1-H) RESOLUTION NO. 2006-55 - DESIGNATING CITY EMPLOYEES WHO ARE TO RECEIVE ETHICS TRAINING PURSUANT TO ASSEMBLY BILL (AB) 1234

(1-I) APPROVE APPOINTMENT OF DON SIMMONS TO THE HISTORIC PRESERVATION COMMISSION, AND APPOINTMENTS OF SEROP TOROSSIAN AND JAIME HOLT AND REAPPOINTMENTS OF LORI CHERRY AND HAL KISSLER TO THE PLANNING COMMISSION - MAYOR AUTRY

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-J) ADOPTION OF ORDINANCE BILLS AMENDING THE FRESNO MUNICIPAL CODE (FMC) RELATING TO THE STATUS OF DOMESTIC PARTNERS UNDER THE RETIREMENT SYSTEMS

1. BILL NO. B-12 - ORDINANCE NO. 2006-15 - AMENDING VARIOUS SECTIONS OF THE FMC UNDER THE FIRST TIER OF THE FIRE & POLICE RETIREMENT SYSTEM

2. BILL NO. B-13 - ORDINANCE NO. 2006-16 - AMENDING VARIOUS SECTIONS OF THE FMC UNDER THE SECOND TIER OF THE FIRE & POLICE RETIREMENT SYSTEM

3. BILL NO. B-14 - ORDINANCE NO. 2006-17 - AMENDING VARIOUS SECTIONS OF THE FMC UNDER THE EMPLOYEES RETIREMENT SYSTEM

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill Nos. B-12, B-13 and B-14 adopted as Ordinance No. 2006-15, 2006-16 and 2006-17 respectively, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling
 Noes : Westerlund, Duncan
 Absent : None

CONTESTED CONSENT CALENDAR:

(1-B) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST & ASSOCIATES FOR PREPARATION OF AN UPDATE TO THE 1996 FRESNO METROPOLITAN WATER RESOURCES MANAGEMENT PLAN, PREPARATION OF AN URBAN WATER MANAGEMENT PLAN, AND TO CONDUCT A VIABILITY STUDY TO LOCATE A FUTURE SURFACE WATER TREATMENT FACILITY

1. RESOLUTION NO. 2006-56 - 61ST AMENDMENT TO AAR 2006-286 TRANSFERRING \$1,790,300 FROM THE DBCP RECOVERY FUND TO THE WATER ENTERPRISE FUND TO PROVIDE FUNDING FOR THE UPDATE, PLAN AND STUDY

Assistant Public Utilities Director Martin and Interim Public Utilities Director Weimiller responded to questions and comments of Councilmember Boyajian at length relative to the high monetary amount, what the City will receive for that expenditure, what the firm's expertise was, if this was an engineering project, if Clovis and Fresno County were involved, term/time frame, if staff was working with the Fresno Metropolitan Flood Control District and Fresno Irrigation District on resources, the firm's experience, time line for the process, if guidelines would be developed for the department, if an informational workshop could be held in the future, support for this being a global/regional project, and **(2 - 0)** if staff had any plans to start looking at being independent with solid waste. A motion and second was made to approve staff's recommendation.

147-46

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Councilmember Westerlund stated this was a highly technical and complex field that was important to the city and the valley, advised there would be a program EIR and an analysis of the cumulative impacts, and requested a workshop be set in April on city-wide and southeast water issues. President Duncan requested staff schedule a workshop on April 18th from 10:00 a.m. to noon. Mr. Weimiller responded briefly to questions of Acting President Perea relative to the waste to energy issues.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2006-56 hereby adopted, an agreement with West Yost & Associates for professional services hereby approved, and the City Manager authorized to sign the agreement on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

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(9:00 A.M.) PUBLIC COMMENT PERIOD:

(A) SCHEDULED COMMUNICATION: APPEARANCE BY DAN IRVINE TO DISCUSS VARIOUS ISSUES RELATING TO THE POLICE DEPARTMENT

Not present when called.

(B) UNSCHEDULED COMMUNICATION:

Upon call, no one wished to be heard.

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CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: TAMMY S. NEVES V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 9:35 a.m. to consider the above issue and reconvened in regular open session at 10:02 a.m.

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(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-04-99 AND ENVIRONMENTAL FINDINGS, FILED BY NOYAN/ FRAZIER PROPERTIES, LLC, SOUTHWEST CORNER OF W. CLINTON AND N. WEBER AVENUES, EAST OF THE CLINTON/FREEWAY 99 INTERCHANGE (FORMER MID STATE BOWL SITE)

1. CONSIDER AND ADOPT E.A. NO. R-04-99/C-04-204/V-05-09, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-18 - ORDINANCE NO. 2006-18 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6, M -1 AND P TO C-M

President Duncan announced the time had arrived to consider the issue and opened the hearing. Upon question Planning Manager Unruh stated the staff report as submitted was complete and added the project would be making street improvements to the Clinton/Weber intersection per the traffic impact fee study.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Councilmember Boyajian spoke in strong support of the project and thanked/commended the developers, also thanked the Redevelopment Agency and staff, and upon his request Traffic Engineering Manager Mozier clarified issues relative to the traffic impact fee and what the developers would pay for. A motion and second was made to approve staff's recommendation. Councilmember Sterling stated this was a great project that bordered her district and spoke in support stating it would be a significant contribution and benefit to the area.

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On motion of Councilmember Boyajian, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding of E.A. No. R-04-99/C-04-204/V-05-09 dated December 1, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-18 rezoning the subject property adopted as Ordinance No. 2006-18, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 10:11 a.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the 14th day of February, 2006.

/s/ ATTEST: /s/
Jerry Duncan, Council President Yolanda Salazar, Assistant City Clerk

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2/7/06